

Federal Rule of Civil Procedure 41(b) permits a Court to dismiss a case where “the plaintiff fails to prosecute or to comply with [the] rules or a court order.” The Fourth Circuit has “identified four criteria that guide a district court’s discretion in dismissing a case under Rule 41(b). *Attkisson v. Holder*, 925 F.3d 606, 625 (4th Cir. 2019). Such an exercise should weigh: ‘(1) the plaintiff’s degree of personal responsibility; (2) the amount of prejudice caused the defendant; (3) the

presence of a drawn out history of deliberately proceeding in a dilatory fashion; and (4) the effectiveness of sanctions less drastic than dismissal.’ *Id.* (citation omitted).

Here, Plaintiff is proceeding pro se and, therefore, bears the entire responsibility of prosecuting the case. *See Feagin v. Blockbuster, Inc.*, 3:09-cv-00532-RJC, 2016 WL 3148390, at *2 (W.D.N.C. June 2, 2016). Further, Defendant has now waited more than eight months for Plaintiff to file a motion for summary judgment to resolve this appeal from the Commissioner of Social Security’s decision. During that time, Plaintiff was able to file a threadbare addendum (Doc. No. 14) but still declined to comply with the Court’s order, illustrating that the drawn-out, eight-month delay was deliberate. Further, it is now clear that no less drastic sanction than dismissal would be effective. The Court informed Plaintiff that if she did not file a motion for summary judgment, this case would be dismissed—a warning that Plaintiff disregarded. Thus, this case is **DISMISSED**.

SO ORDERED.

Signed: March 31, 2020

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

